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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Tai-Shun Lin and William H. Prusoff

Serial No. : 06/942,666

Filed : December 17, 1986

For : USE OF 3'-DEOXYTHYMIDIN-2'-ENE (3'-DEOXY-  
2',3'-DIDEHYDROTHYMIDINE) IN TREATING  
PATIENTS INFECTED WITH RETROVIRUSES

Art Unit : 183 ✓

Examiner : Dr. John W. Rollins

Appeal No. : 89-2572

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JAN 24 1990  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

January 4, 1990

Hon. Commissioner of Patents  
& Trademarks  
Washington, D.C. 20231

Sir:

REPLY TO COMMUNICATION AND CONDITIONAL  
REQUEST FOR REMAND BY THE BOARD

Submitted herewith is a Declaration Under Rule 132 of Dr. Colin McLaren, dated December 19, 1989, which is in reply to a Communication dated November 16, 1989 (Paper No. 30) entitled "Consideration of Declaration After Appeal". The enclosed declaration serves to clarify a nomenclature inconsistency in the Declaration of Dr. McLaren dated September 22, 1989.

The enclosed declaration also recites the expert opinion of Dr. McLaren that the experiments in his September 22, 1989 Declaration clearly demonstrate a benefit to humans when the compound as recited in the claims of the above-identified

application (compound "d4T") is administered to humans infected with HIV.

Heretofore a request for remand was made and granted to have the Examiner consider the September 22, 1989 McLaren Declaration. If a further request for remand is required, then pursuant to MPEP 1211, the Board is hereby respectfully requested to remand this case to the Examiner to consider the Declaration of Colin McLaren submitted herewith.

Respectfully submitted,

SPRUNG, HORN, KRAMER & WOODS

By



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